

Rule 5.28 of the California Rules of Court is adopted and rule 5.102 is amended, effective January 1, 2005, to read:

Rule 5.28 Domestic partnerships

(a) [Procedures for obtaining a dissolution, a legal separation, or an annulment of a domestic partnership]

- (1) Form FL-103, *Petition—Domestic Partnership (Family Law)* must be filed to commence an action for dissolution, legal separation, or annulment of a domestic partnership. Form FL-123, *Response—Domestic Partnership (Family Law)*, must be filed in response to this petition.
- (2) All other forms and procedures used for the dissolution, legal separation, or annulment of a domestic partnership are the same as those used for the dissolution, legal separation, or annulment of a marriage, except that parties who qualify for a “Notice of Termination of Domestic Partnership” under Family Code section 299 must follow that procedure rather than file a summary dissolution proceeding with the superior court.

(b) [Terminology for rules and forms]

For the purposes of family law rules and forms, the terms “spouse,” “husband,” and “wife” encompass “domestic partner.” The terms “father” and “mother” encompass “parent.” The terms “marriage” and “marital status” encompass “domestic partnership” and “domestic partnership status,” respectively.

Rule 5.102 Parties to proceeding

- (a) Except as provided in ~~(b)~~ (c) or in rules 5.150 through 5.160, the only persons permitted to be parties to a proceeding for dissolution, legal separation, or nullity of marriage are the husband and wife.
- (b) Except as provided in (c) or in rules 5.150 through 5.160, the only persons permitted to be parties to a proceeding for dissolution, legal separation, or nullity of domestic partnership are the domestic partners.
- ~~(b)~~ (c) In a nullity proceeding commenced by a person specified in Family Code section 2211, other than a proceeding commenced by or on behalf of the husband or wife in a marriage or one of the domestic partners in a domestic partnership, the person initiating the proceeding is a party and the caption on all papers must be suitably modified to reflect that fact.